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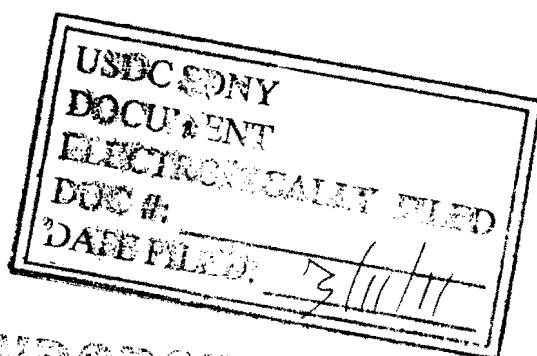
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JAMES M. O'HARA, ESQ.
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March 10, 2011

By Facsimile 212-805-7935

Honorable Jed S. Rakoff
 United States District Judge
 United States Courthouse
 500 Pearl Street, Room
 New York, New York 10007



MEMO **EMERGENCY**

Re: Gaetano Dev./Hartford Fire Ins. v. Goodman Manufacturing
 Goodman v. Tower: Third-Party Action
 Tower v. Everex, e. al.: Second Third-Party Action
 Case No.: 09-CV-10090 (JSR)

Dear Judge Rakoff:

This firm represents the Second Third-Party Defendant Everex Communications, Inc ("Everex") in the above referenced matter.

On February 14, 2011, Everex e-filed a motion for summary judgment which inadvertently contained and referenced 2 exhibits marked as "confidential" pursuant to this Court's protective Order entered on March 16, 2010. The e-filed document numbers for the inadvertently filed papers are Documents 122, 124 and 126.

We hereby respectfully request, on consent of counsel for the remaining parties to this litigation, the Court's permission to remove Everex's summary judgment motion papers e-filed as Documents 122, 124 and 126 on February 14th from the electronic docket and then re-file those documents under seal in accordance with the Court's Protective Order.

Respectfully submitted,

James M. O'Hara
 James M. O'Hara

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SO ORDERED:

Jed Rakoff
 Hon. Jed S. Rakoff, U.S.D.J.
 3-10-11